

Inroads on Privacy Decried By Ervin as Hearings Open

By Michael Getler

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Americans are becoming afraid to speak out, sign petitions, answer questionnaires or take part in peaceful demonstrations for fear their actions will live forever in the government's growing computerized memory, Sen. Sam J. Ervin Jr. (D-N.C.) charged yesterday.

"When people fear surveillance, whether it exists or not, when they grow afraid to speak their minds freely to their government or anyone else," Ervin said, "then we shall cease to be a free society."

Ervin's Subcommittee on Constitutional Rights opened nine days of hearings yesterday on the impact of a computer-armed bureaucracy on individual privacy.

About four days of the hearings will also probe the extent of Pentagon spying on civilians, with testimony from several former Army intelligence agents who first brought the subject to national attention.

Ervin said the hearings were called because Americans of all walks of life were complaining to Congress "about the growing collection of information about them which is none of the collectors' business. They are concerned that they are being pressured into revealing information to the wrong people, for the wrong purpose at the wrong time."

To help make his point, the senator waved a "very star-

ting" 53-page "personality assessment questionnaire" for federal employees which he claimed he had just found out about and which is "used by the Executive Branch of government and coded so it can be entered into a computer."

Among the questions, Do you cross your legs and if so which one goes on top? Do you bite or cut off the end of a cigar?

Ervin said people also are concerned that information which conceivably could someday cost a job or a promotion is pumped into government and commercial computer data banks without any screening or real control over who sees it.

If a half-truth gets in, there is no way to correct it, critics say.

The senator's lead-off witness, Arthur R. Miller, a law professor at the University of Michigan and author of "Assault on Privacy," echoed Ervin's warning.

Miller said in many respects America had already reached the "Big Brother is watching you" world of "1984" envisioned by writer George Orwell. "1984 is not a year, but a state of mind," said Miller.

Miller, who claims that a computer teaches part of his law course, called for new legislation that would lay down strict guidelines for protecting confidential information so that it can't be swapped between agencies without good reason.

He also called for setting up

a neutral agency that would make sure the congressional standards were enforced and that the data were accurate.

But Sen. Roman L. Hruska (R-Neb.) challenged this expansion of the bureaucracy, claiming it would lead to "super police who would police the policeman."

The only legislation before Congress to this effect is a bill by Rep. Edward I. Koch (D-L.N.Y.), who also appeared as a witness yesterday.

Koch's measure, which now has the backing of 20 other congressmen from both parties, would require the government to tell an individual that it has information about him in the files and notify him if it is transferred, and permit the person to see and challenge it. Exceptions would be made for national security matters and material to be used in prosecutions.

Ervin said that in its earlier investigations, his Judiciary subcommittee has discovered that frequently agencies start out with good intentions but get carried away by the enormous amount of data that can be stored in electric brains.

The senate believes that much of the current fascination with computer files on people came in the wake of the Warren Commission Report on the assassination of President Kennedy, which remarked a lack of information-exchange among federal agencies.